

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS  
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**PLAINTIFF'S FIRST AMENDED  
SHORT FORM COMPLAINT FOR  
DAMAGES FOR INDIVIDUAL  
CLAIMS AND DEMAND FOR  
JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

\_\_\_\_\_

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

\_\_\_\_\_

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

\_\_\_\_\_

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
at the time of implant:

\_\_\_\_\_

- 1           5.     Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence  
2                 at the time of injury:  
3                 \_\_\_\_\_
- 4           6.     Plaintiff's current state(s) [if more than one Plaintiff] of residence:  
5                 \_\_\_\_\_
- 6           7.     District Court and Division in which venue would be proper absent direct  
7                 filing:  
8                 \_\_\_\_\_  
9                 \_\_\_\_\_
- 10          8.     Defendants (check Defendants against whom Complaint is made):  
11                 ☐     C.R. Bard Inc.  
12                 ☐     Bard Peripheral Vascular, Inc.
- 13          9.     Basis of Jurisdiction:  
14                 ☐     Diversity of Citizenship  
15                 ☐     Other: \_\_\_\_\_
- 16          a.     Other allegations of jurisdiction and venue not expressed in Master  
17                 Complaint:  
18                 \_\_\_\_\_  
19                 \_\_\_\_\_
- 20          10.    Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
21                 a claim (Check applicable Inferior Vena Cava Filter(s)):  
22                 ☐     Recovery<sup>®</sup> Vena Cava Filter

- 1 ☐ G2<sup>®</sup> Vena Cava Filter
- 2 ☐ G2<sup>®</sup> Express Vena Cava Filter
- 3 ☐ G2<sup>®</sup> X Vena Cava Filter
- 4 ☐ Eclipse<sup>®</sup> Vena Cava Filter
- 5 ☐ Meridian<sup>®</sup> Vena Cava Filter
- 6 ☐ Denali<sup>®</sup> Vena Cava Filter
- 7 ☐ Other: \_\_\_\_\_

8 11. Date of Implantation as to each product:

9 \_\_\_\_\_

10 \_\_\_\_\_

- 11 12. Counts in the Master Complaint brought by Plaintiff(s):
- 12 ☐ Count I: Strict Products Liability – Manufacturing Defect
  - 13 ☐ Count II: Strict Products Liability – Information Defect (Failure
  - 14 to Warn)
  - 15 ☐ Count III: Strict Products Liability – Design Defect
  - 16 ☐ Count IV: Negligence – Design
  - 17 ☐ Count V: Negligence – Manufacture
  - 18 ☐ Count VI: Negligence – Failure to Recall/Retrofit
  - 19 ☐ Count VII: Negligence – Failure to Warn
  - 20 ☐ Count VIII: Negligent Misrepresentation
  - 21 ☐ Count IX: Negligence *Per Se*
  - 22 ☐ Count X: Breach of Express Warranty

- ☐ Count XI: Breach of Implied Warranty
- ☐ Count XII: Fraudulent Misrepresentation
- ☐ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable State Law Prohibiting  
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages

13. Jury Trial demanded for issues so triable?

- ☐ Yes
- ☐ No

RESPECTFULLY SUBMITTED this 17th day of May, 2019.

**BLASINGAME, BURCH, GARRARD &  
ASHLEY, P.C.**

/s/ Henry G. Garrard, III

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***Attorney for Plaintiff***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of May, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Henry G. Garrard, III